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14
15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17
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WESTERN WATERSHEDS PROJECT,) Case No. 3:21-cv-103-MMD-CLB
19 et al.,)
20 Plaintiffs,) **DECLARATION OF DARANDA**
21) **HINKEY**
22 and)
23)
24 RENO-SPARKS INDIAN COLONY and ATSA)
25 KOODAKUH WYH NUWU/ PEOPLE OF RED)
26 MOUNTAIN)
27)
28 Plaintiff-Intervenor,)
29 v.)
30)
31 UNITED STATES DEPARTMENT OF THE)
32 INTERIOR, et al.,)
33)
34 Defendants)
35)
36 and)
37)
38 LITHIUM NEVADA CORP.)
39)
40 Defendant-Intervenor)
41

1 I, Daranda Hinkey, hereby declare as follows under penalty of perjury:

2 1. I am an enrolled member of the Fort McDermitt Paiute-Shoshone Tribe
3 ("Fort McDermitt").

4 2. I serve as the Secretary for Atsa koodakuh wyh Nuwu (translate to People
5 of Red Mountain), an unincorporated association of members of the Fort
6 McDermitt Paiute and Shoshone Tribe. Atsa koodakuh wyh Nuwu formed to
7 preserve our ancestral teachings, maintain oral histories, and practice the
8 traditions our people have practiced for generations.

9 3. Atsa koodakuh wyh Nuwu members include traditional elders and spiritual
10 leaders with extensive training in the ceremonies of our people. For many of our
11 members, Paiute is their first language.

12 4. Atsa koodakuh wyh Nuwu regularly meets in Peehee mu'huh to perform
13 ceremony; to gather traditional foods and medicines; to teach our members and
14 the public about the traditional uses of plants, animals, and minerals found in
15 Peehee mu'huh; to share oral histories involving the site – especially the history
16 of the massacre of our ancestors that gave Peehee mu'huh its name and the
17 history of how our ancestors hid in Peehee mu'huh to avoid American soldiers; to
18 study artifacts created by our ancestors; and to educate the public about the
19 religious, cultural, and historic importance of Peehee mu'huh to our people. Atsa
20 koodakuh wyh Nuwu plans on continuing to visit Peehee mu'huh regularly and
21 frequently to engage in these activities in the future.

1 5. Atsa koodakuh wyh Nuwu first learned about Lithium Nevada Corp.'s
2 ("Lithium Nevada") Thacker Pass Lithium Mine Project ("the Project") in
3 February, 2021, more than a month after the Bureau of Land Management
4 ("BLM") issued the Record of Decision (ROD) and Plan of Operations (POO).

5 6. The Project will harm the Fort McDermitt Paiute-Shoshone Tribe, our
6 traditional cultural sites, water, air, and wildlife including the greater sage grouse,
7 Lahontan cutthroat trout, pronghorn antelope, and sacred golden eagles.

8 7. Peehee mu'huh is an unusual cultural property with singular historic and
9 cultural importance. Our oral histories tell us that Peehee mu'huh was the site of
10 a terrible massacre of our people. In fact, this history is in the original name of
11 the site itself. Peehee mu'huh was named so because our ancestors were
12 massacred there while our hunters were away. When the hunters returned, they
13 found their loved ones murdered, unburied, rotting, and with their entrails spread
14 across the sage brush in a part of the Pass shaped like a moon. Peehee mu'huh
15 translates to "rotten moon."

16 8. To build a lithium mine over Peehee mu'huh, where our ancestors were
17 massacred, where our ancestors' bones, blood, and flesh form a part of the soil,
18 would be like building a lithium mine over Pearl Harbor, Arlington National
19 Cemetery, or the Gettysburg Battlefield.

20 9. Peehee mu'huh is not just central to our identity as a people, it is central to
21 *our existence* as a people. The Fort McDermitt tribe might not exist if it wasn't for
22 the shelter provided by Peehee mu'huh. When American soldiers were rounding

1 our ancestors up at the point of a gun to force them onto reservations, our people
2 hid in Peehee mu'huh. There are many caves and stone outcroppings in Peehee
3 mu'huh where our ancestors could watch the surrounding land for miles. When
4 our ancestors saw dust stirred by approaching cavalry patrols, they fled up the
5 Montana Mountains above Peehee mu'huh and into the caves. The Fort
6 McDermitt tribe descends from essentially two families who, hiding in Peehee
7 mu'huh, managed to avoid being sent to reservations farther away from our
8 ancestral lands. We will forever be grateful to Peehee mu'huh for the shelter she
9 provided for us.

10 10. Peehee mu'huh was traditionally used as a major route from the
11 Quinn River Valley to the King's River Valley and beyond.

12 11. We also believe that some of our ancestors are buried in Peehee
13 mu'huh. Peehee mu'huh's many caves, stone outcroppings, and similar geologic
14 features were likely used by our ancestors to bury their dead in.

15 12. Our teachings tell us that it is both wrong and dangerous to disturb
16 artifacts, land where our ancestors were brutally murdered, and burial sites.
17 Removing burial sites or artifacts is bad medicine. The ones who passed on were
18 prayed for and therefore should stay in their place. Driving heavy machinery over
19 our ancestors is deeply offensive to us and causes us extreme psychological and
20 spiritual anguish. Scratching up our ancestors' possessions, even if only with
21 shovels, hurts and angers us.

1 13. We aren't just concerned about ourselves and our ancestors. We
2 believe that people risk sickness if they remove or take artifacts or burial
3 remains. So, we are concerned for the health and safety of the archaeologists
4 and machine operators who will be involved in desecrating Peehee mu'huh.
5 We don't want these workers to get hurt.

6 14. Peehee mu'huh is essential to the survival of our traditions. Our
7 traditions are tied to the land. When our land is destroyed, our traditions are
8 destroyed. Peehee mu'huh is home to many of our traditional foods. Some of
9 our last choke cherry orchards are found in Peehee mu'huh. We gather choke
10 cherries to make choke cherry pudding, one of our oldest breakfast foods.
11 Peehee mu'huh is also a rich source of yampa, wild potatoes, and biscuit root.
12 We hunt groundhogs, rabbits, and mule deer in Peehee mu'huh. Mule deer
13 are especially important to us as a source of meat, but we also use every part
14 of the deer for things like clothing and for drumskins in our most sacred
15 ceremonies.

16 15. Peehee mu'huh is one of the last places where we can find our
17 traditional medicines. We gather ibi, a chalky rock that we use for ulcers and
18 both internal and external bleeding, there. COVID-19 made Peehee mu'huh
19 even more important for gathering our medicines. Last summer and fall, when
20 the pandemic was at its worst on the Fort McDermitt Reservation, we went to
21 Peehee mu'huh for toza root, which is known as one of the world's best anti-

1 viral medicines. We also gathered good, old-growth sage brush in Peehee
2 mu'huh to make our strong Indian tea, which we use for respiratory illnesses.

3 16. In early May, 2021, we created a petition on Change.org demanding
4 that the Department of the Interior rescind the Thacker Pass Lithium Mine
5 Project Final Environmental Impact Statement, Record of Decision, and Plan
6 of Operations. That petition has gathered over 1950 signatures.

7 17. In May, 2021, Atsa koodakuh wyh Nuwu wrote and published online
8 a "People of Red Mountain Statement of Opposition to Lithium Nevada
9 Corp.'s Proposed Thacker Pass Open Pit Lithium Mine" where we described
10 the spiritual and historical significance of Peehee mu'huh and explained our
11 reasons for opposing the Project.

12 18. On June 24, 2021, through counsel, we electronically delivered a
13 letter to Ester McCullough, BLM Winnemucca District Manager; Ken Loda,
14 BLM Winnemucca Project Manager for the Thacker Pass Lithium Mine
15 Project; Brian Hockett, BLM Nevada State Archaeologist; and Shannon Deep,
16 BLM Winnemucca Archaeologist. In this letter, Atsa koodakuh wyh Nuwu
17 notified the BLM that Atsa koodakuh wyh Nuwu is an appropriate party to be
18 consulted with under the National Historic Preservation Act (NHPA), section
19 106 consultation process as well as the 2014 BLM-Nevada State Historic
20 Preservation Officer State Protocol Agreement.

21
22 19. In this letter, Atsa koodakuh wyh Nuwu also informed the BLM of the

1 religious, cultural, and historical significance of Peehee mu'huh. We pointed
2 out that this religious, cultural, and historical significance qualifies Peehee
3 mu'huh for classification in both the "Conservation For Future Use" and
4 "Traditional Use" categories described in BLM Manual 8110. We asserted that
5 BLM has so far failed to adequately consult with Indian tribes and must do so
6 before any physical disturbance happens in Peehee mu'huh.

7 20. Atsa koodakuh wyh Nuwu is an appropriate party to be involved in
8 the NHPA, section 106 consultation process about avoiding, minimizing, and
9 mitigating adverse effects to historic and traditional cultural properties caused
10 by the Thacker Pass Lithium Mine Project as an organization with a
11 demonstrated interest in the Project due to our economic interests in
12 continuing to hunt and gather in Peehee mu'huh and due to our concern with
13 the Project's effects on our sacred land.

14 21. If Atsa koodakuh wyh Nuwu is allowed to participate in the NHPA,
15 section 106 consultation process, we would tell the BLM the stories of the
16 Peehee mu'huh massacre and how our ancestors hid from soldiers in Peehee
17 mu'huh. We would describe why destroying Peehee mu'huh makes it more
18 difficult for people to understand the racism and genocide our ancestors have
19 endured. We would warn workers about our teachings that disturbing our
20 ancestors and their artifacts is dangerous.

21 22. If Atsa koodakuh wyh Nuwu is allowed to participate in

1 conversations with the BLM about how to avoid, minimize, and mitigate the
2 harms a massive open-pit lithium mine would have on our traditional cultural
3 properties, we could, at least, help the BLM, Lithium Nevada, and
4 archaeological contractors prepare an accurate catalog of all they would
5 destroy. If we aren't allowed to participate, perhaps the world will forget what
6 happened to our ancestors in Peehee mu'huh.

7 23. Atsa koodakuh wyh Nuwu must seek relief, including preliminary
8 relief, in order to protect its interests as an appropriate party for consultation
9 under the NHPA, section 106 and to protect our ancestors, their artifacts, and
10 land we consider sacred and historically and culturally important. The BLM's
11 Historic Properties Treatment Plan would irreparably harm Atsa koodakuh
12 wyh Nuwu.

13
14 I swear under penalty of perjury that the foregoing is true and correct to the
15 best of my knowledge.

16
17 Executed this 19th Day of July, 2021.

18 /s/ Daranda Hinkey
19 Fort McDermitt Paiute and Shoshone Tribal Member
20 Secretary, Atsa koodakuh wyh Nuwu/People of Red Mountain